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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL LYNN KAUFFMAN,

Defendant.

CASE NO. 2:22-CR-00225 DAD

STIPULATION AND JOINT REQUEST FOR
PROTECTIVE ORDER; PROTECTIVE ORDER

I. STIPULATION

1. Plaintiff United States of America, by and through its counsel of record, and defendant Darryl Lynn Kauffman, by and through his counsel of record (“Defendant” and “Defense Counsel”), for the reasons set forth below, hereby stipulate, agree, and jointly request that the Court enter a Protective Order in this case restricting the use and dissemination of certain materials that contain personal identifying information (“PII”) and other confidential information of real persons, including personal financial information.

2. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, Local Rule 141.1, and its general supervisory authority.

3. As part of its investigation in the above-captioned case, the government is in the possession of documents and other materials relating to the charges against the Defendant, and seeks to provide those materials to counsel for the Defendant. The government seeks to do so pursuant to its

1 discovery obligations, although some of the materials may exceed the scope of the government's
2 discovery obligations and will be produced to promote a prompt and just resolution of the case.

3 4. The government intends to produce to Defense Counsel materials containing PII and
4 other confidential information of real persons. These real persons are third parties and/or witnesses to
5 this case. This discovery will be considered "Protected Material" as described in this stipulation and
6 order, as will any other discovery marked as Protected Material.

7 5. The purpose of this stipulation and order is to establish the procedures that must be
8 followed by Defense Counsel, members of the defense team, and any other individual who receives
9 access to any Protected Material in this case and the information therein.

10 6. The Government shall produce the aforementioned Protected Material to Defense
11 Counsel, designating the discovery with the bates prefix, "KAUFFMAN_PM_." This discovery, and
12 any subsequent material produced by the Government to Defense Counsel using the bates-prefix, shall
13 be considered Protected Material.

14 7. All Protected Material in this case is now and will forever remain the property of the
15 Government. It is entrusted to Defense Counsel only for purposes of representing the Defendant during
16 the pendency of this case.

17 8. Defense Counsel shall not give any Protected Material to any person other than Defense
18 Counsel's team assisting in preparation of the present case. The term "team" shall explicitly include
19 only attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel
20 in the present matter. The term excludes any other defendant in this matter or any other pending matter
21 against the Defendant; any person involved in any case in which discovery concerning the Defendant is
22 produced; and any other person other than those specifically authorized to see Protected Material under
23 this paragraph.

24 9. Any person receiving access to the Protected Material from Defense Counsel shall be
25 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to
26 anyone.

27 10. No members of the Defendant's family, friends of the Defendant, personal or
28 professional associates of the Defendant, or any other person affiliated with the Defendant or any

1 Defendant in a related case shall be given access to any Protected Material or its contents in any manner,
2 for any reason.

3 11. Defense Counsel may make copies of Protected Material and may take written or typed
4 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the
5 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.
6 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the
7 information in the Protected Material comprises "Protected Material" itself, must be affixed with the
8 corresponding bates numbers and the "Protected Material" ledger, and is subject to all terms of this
9 stipulation and order. Defense counsel may prepare an index of the Protected Materials which may be
10 shared with the Defendant provided that the index contains no PII or confidential information of any real
11 person, including personal financial information.

12 12. Defense Counsel shall maintain a list of persons to whom any Protected Material is being
13 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation
14 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its
15 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed
16 in any phase of the matter, the new counsel shall not have access to any Protected Material until and
17 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

18 13. Defense Counsel may use the Protected Material in the defense of Defendant in the
19 instant case in any manner deemed essential to adequately represent him (i.e., in motions that are filed
20 under seal, if necessary; in ex-parte applications as may be needed; and in reproducing and summarizing
21 Protected Material for use in trial preparation summaries, exhibits and as evidence, as may be needed),
22 consistent with this stipulation and order as it shall be originally prepared and signed.

23 14. In the event Defense Counsel needs to use any Protected Material in a manner not
24 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation
25 and order amended by the District Court, after having given notice to counsel for the Government, in a
26 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the
27 United States Constitution.

1 15. Defense Counsel and any authorized members of Defense Counsel's team are authorized
2 to review with Defendant the contents of the Protected Material. Defense Counsel and authorized
3 members of his/her team, however, are prohibited from in any way giving Defendant any Protected
4 Material or any memorialization of the content of any of it, such as: any of the Protected Material itself;
5 copies of any of the Protected Material; copies of excerpts of any of the Protected Material; or
6 summaries of any of the Protected Material. This prohibition will not extend to the Defendant viewing
7 the Protected Material in open court should any of these materials or summaries thereof be used in the
8 litigation of this case.

9 16. Defense Counsel is authorized to show copies of the Protected Material to potential
10 witnesses in this case. Defense Counsel is prohibited, however, from in any way giving any potential
11 witness any Protected Material or any memorialization of the content of any of it, or allowing any
12 potential witness to make a copy or in any way memorialize the contents of any Protected Material.

13 Respectfully Submitted,

14 Dated: January 23, 2023

PHILLIP A. TALBERT
United States Attorney

16 By: /s/ HEIKO COPPOLA
17 HEIKO COPPOLA
Assistant United States Attorney

19 Dated: January 23, 2023

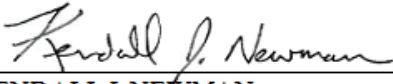
/s/ TASHA CHALFANT
TASHA CHALFANT
Counsel for Defendant
DARRYL LYNN KAUFFMAN

FINDINGS AND ORDER

The Court having read and considered the Stipulation and Joint Request for a Protective Order, which this Court incorporates by reference into this Order in full, hereby finds that GOOD CAUSE exists to enter the above Order.

IT IS SO FOUND AND ORDERED.

Dated: January 23, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE